

**AVC EDGE AND VERIVOTE**

**Sequoia Voting Systems WinEDS Version 3.0.134, AVC  
Edge Version 4.3.307, Card Activator v. 4.3.307 and  
VeriVote**

**Administrative Review and Analysis**

**Prepared by:  
Secretary of State Elections Division  
January 14, 2005**

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## **I. SUMMARY OF THE APPLICATION**

Procedures, hardware, firmware and software developed by Sequoia Voting Systems for use with WinEDS v. 3.0.134, the AVC Edge v. 4.3.3.07, the Card Activator v. 4.3.307 and the VeriVote.

This application was previously considered at the October 22, 2004, meeting of the Voting Systems and Procedures Panel. At that time the panel recommended the VeriVote for certification for use in a pilot program in San Bernardino County in the November 2004 General Election. The application is now before the panel for consideration for a full certification.

## **II. PREVIOUS STAFF REPORT**

For the October 22, 2004, meeting of the Voting Systems and Procedures Panel staff prepared a report on the application. As the system is unchanged since that report, the conclusions of said report as related to the summary of the system, testing information and results, compliance with state and federal land regulations and additional considerations are generally unchanged.

The only change is that staff has subsequently been able to verify that it is possible for the voter to view both the review screen and the paper record at the same time with the voting system. Thus, the system complies with Section 2.4.2 of the Accessible Voter Verified Paper Audit Trail (AVVPAT) standards.

## **III. PILOT PROGRAM**

As required by the previous certification, the vendor and the county submitted a report on the San Bernardino pilot program. That report is submitted separately.

In addition, staff from the Secretary of State's office observed the pilot program on Election Day. Staff reported no significant problems related to the operation of the equipment.

Two issues are worthy of note. First, as required by the certification and subsequent agreement between the Secretary of State's office and the county, the county did rotate the printers once during the day as a measure designed to preserve the secrecy of the ballots. Neither the county nor the Secretary of State observer found that there were any problems caused by this process.

Second, the county reported that the manual recount process took a significant amount of time and labor.

## **IV. UNRESOLVED ISSUES**

There are still two issues where state testing of the VeriVote found that the system failed to meet California's AVVPAT standards.

1. Section 2.4.3.1.2 requires that "The data relayed to the audio device must come either directly from the data sent to the printer or directly from the paper record copy." However, the audio stream used by the AVC Edge with the VeriVote comes directly from the DRE and is the same data stream used during the rest of the audio voting. Therefore, under this configuration, voters using the audio function would still be dependant on federal, state and local testing to verify whether their vote was recorded accurately.
2. Section 2.3.4.2 requires that "The paper record copy shall be printed in English and in the language the voter used to cast their vote on the DRE." The proposed system prints the paper record only in the language the voter uses to cast their ballot on the AVC Edge. Therefore, for a Spanish language ballot, the paper record copy is printed only in Spanish.

The Voting Systems and Procedures Panel would have to modify the standards or grant an exemption on these items prior to a staff recommendation that the system be certified.

In addition, some panel members raised objections to the reel-to-reel design of the system as potentially conflicting with section 2.1.3 of the AVVPAT standards which require that "The AVVPAT system shall be designed to ensure secrecy of votes so that it is not possible to determine which voter cast which paper record copy and shall comply with federal and state secrecy requirements." Staff has previously concluded that a procedural solution such as the rotation of printers discussed above would meet this requirement.

## **V. PUBLIC COMMENT**

Public comment on this item submitted for the October 22, 2004, VSPP meeting was previously summarized and submitted to the panel.

In response to the public meeting notice being issued and allowing for written submissions for the January 20, 2005, meeting, no additional correspondences have been received specific to this item.

## **VI. RECOMMENDATIONS**

Unless the AVVPAT standards are modified or an exemption is granted for the two items discussed above, staff cannot recommend the VeriVote for certification. Should such

changes or exemptions be made, staff would recommend the certification of Sequoia Voting Systems' WinEDS v. 3.0.134, AVC Edge v. 4.3.3.07, Card Activator v. 4.3.307 and the VeriVote AVVPAT system with the following conditions:

1. No substitution or modification of the voting system described in Paragraph 1 shall be made with respect to any component of the voting system, including the Procedures submitted on or about October 21, 2004, until the Secretary of State has been notified in writing and has determined that the proposed change or modification does not impair the accuracy and efficiency of the voting system sufficient to require a re-examination and approval;
2. No additional software developed by the Vendor, including but not limited to Report Viewer, other than that specifically listed in this certification shall be installed on a computer running WinEDS Version 3.0.134;
3. WinEDS Version 3.0.134 shall not be used in a California statewide direct primary election;
4. The write-in resolution function in WinEDS Version 3.0.134 shall not be used;
5. That Sequoia Voting Systems agrees in writing to provide, and shall provide, to the Secretary of State, or to the Secretary of State's designee, within 30 (thirty) days of the Secretary of State's demand for such, the source code for any software or firmware contained in the voting system that is the subject of the certification, including any commercial off the shelf software or firmware that is available and disclosable by the vendor, provided that the Secretary of State first commits to Sequoia Voting Systems in writing to maintain the confidentiality of the contents of such software or firmware so as to protect the proprietary interests of Sequoia Voting Systems in such software or firmware. The terms of the commitment to maintain confidentiality shall be determined solely by the Secretary of State, after consultation with Sequoia Voting Systems. ;
6. The Secretary of State reserves the right, with reasonable notice to Vendor and to the counties using the voting system, to modify the Procedures used with the voting system and to impose additional requirements with respect to the use of the system if the Secretary of State determines that such modifications or additions are necessary to enhance the accuracy, reliability or security of the voting system. Such modifications or additions shall be deemed to be incorporated herein as if set forth in full;
7. Any county using any voting system described in Paragraph 1 shall, prior to such use, file with the California Secretary of State a copy of its Election Observer Panel plan.